

Case Name: Celsius Network LLC, et al.
Case No.: 22-10964
Southern District of New York
Honorable Martin Glenn;

Tendille Romuald
International Earn Creditor
France

Letter : Opposing to the sale of assets, asking for ownership of my assets and full restitution

Honorable Martin Glenn;

I would file a motion if I was savvy enough, unfortunately I'm from France with no law skill, let alone US law skills and with limited English vocabulary, so here is my letter.

I've seen a pretty long list of technical law terms reproached to Celsius and Celsius executives, personally those applies to my case :

- Misrepresentation (misrepresented the safety of the product, presented as safer than banks on numerous AMA videos by the previous CEO Alexander Mashinsky) ;
- Misrepresented the type of the product (I did not invest in an hedge fund) ;
- Fraudulent misrepresentation, negligent misrepresentation ;
- Frauds (private keys handed on a handshake, insiders withdrawals) ;
- Security fraud (CEL tokens and interest dividends) ;
- Breach of contract and Tortious Interference of Contract ;
- Breach of Fiduciary Duty.

E.g., Lark Davis, Putting Wall Street on Notice! Crypto is Coming! Alex Mashinsky Celsius Network, YouTube, at 10:15 (Nov. 25, 2019), <https://www.youtube.com/watch?v=O0vZR-v0Kpo&t=615s> (statement by Mr. Mashinsky on November 25, 2019 that "we lend out against collateral. So for example when you take a loan from Celsius, you have to give me \$2 worth of Bitcoins for every dollar that I give you out. So I always have more deposits than withdrawals right? So I have more on deposit than I lend out in dollars or in other stable coins or things like that. So net net Celsius has more assets than it lends out"); Celsius Network, Crypto for the Masses - Celsius Network w The Godfather of VOIP Alex Mashinsky, YouTube, at 18:41 (May 19, 2020), https://www.youtube.com/watch?v=vmqMPL51v_4&t=1122s (statement by Mr. Mashinsky on May 19, 2020 that "we are only doing asset backed lending unlike the banks, and the credit card companies, and all the other guys who lend you money . . . We don't do any of that stuff."); Celsius Network, Celsius AMA - Ask Mashinsky Anything, YouTube, at 32:25 (Nov. 6, 2020), <https://www.youtube.com/watch?v=apWkwq8uscU&t=1945s> (statement by Mr. Mashinsky on November 6, 2020 that "we only lend to the first tier institutions, first tier exchanges. We do not do all kinds of unsecured lending like a lot of people are talking about or saying Celsius does unsecured. We do not do unsecured lending"); Emersoft, From Zero to Self-Made BILLIONAIRE - Alex Mashinsky | Życie Bez Gruchy #8, YouTube, at 37:00 (Aug. 21, 2021), <https://www.youtube.com/watch?v=PHPvrORsAE0&t=2220> (statement by Mr. Mashinsky on August 31, 2021 that "the way Celsius makes money is that we always have two or three or four times more collateral than the money you need for your loan")

I joined Celsius in August of 2020, made deposits starting August 2020 and up to November 2020. I have on the Celsius App (as of this letter) the exact same amount I deposited back then in all my coins : I didn't make a single movement since my last deposit November 2020, the only balance change and movements being in the CEL token.

DEPOSIT

Amount Now on Celsius as of this letter :

Aug 29, 2020 *redacted for confidentiality* deposit XRP IDENTICAL AS OF DEPOSITS

Nov 16, 2020 *redacted for confidentiality* deposit XRP

Sep 4, 2020 *redacted for confidentiality* deposit BAT IDENTICAL AS OF DEPOSITS

Sep 5, 2020 *redacted for confidentiality* deposit BTC IDENTICAL AS OF DEPOSITS
(+ including a deposit bonus)

Sep 10, 2020 *redacted for confidentiality* deposit LINK IDENTICAL AS OF DEPOSITS

Sep 17, 2020 *redacted for confidentiality* deposit LINK

Sep 23, 2020 *redacted for confidentiality* deposit LINK

Oct 9, 2020 *redacted for confidentiality* deposit ZEC IDENTICAL AS OF DEPOSITS

Oct 9, 2020 *redacted for confidentiality* deposit ZRX IDENTICAL AS OF DEPOSITS

I never recall having to accept any new Terms of Services, despite (it seems) them being updated several times over the years, probably a checkbox when you logged in the app with no clear explanation. The TOS that I now see reposted online, was by the way never translated in my native language (French), as far as I can tell and always in English. And as you know, we, international creditors, were forced to earn program without any custody option, without being told exactly what was going on.

With this letter, I'm asking you to rule that my coins are not property of the estate and I'm asking for a full restitution of all my deposits at their current market value.

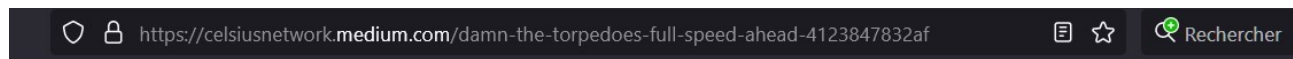
As an aside, I'd also like to mention the role that is still playing Mr Mashinsky in the company and in the community currently. Despite having stepped down from the CEO role, Mr Mashinsky is still a director. Since the bankruptcy filing, I have seen Mr Mashinsky retweet a certain number of controversial content, discuss on live voice chat (Twitter space), even lately saying to the 21st largest creditor (Mr Simon Dixon) « fuck you ». My belief is, that behind the scene and despite not being a CEO anymore, Mr. Mahinsky is still playing an important role in the company. I would like to remind you that the examiner needed more time because « the debtors have imposed limitations on interview of many of its employees » and it's going cost at least \$4million more.

Lately, Mr Mashinsky has been dragging the attention from him to FTX and even suggesting that Celsius should go after FTX (more customers money). It is my belief that Mr Mashinsky is trying to push for a solution good for him and/or distracting attention from him relative to potential clawback and/or criminal charges that could be brought against him.

I also believe that the new interim CEO, Chris Ferraro, is not exposing the full costs of the mining operations, some very competent community members <https://twitter.com/ChazzonKe> is calculating those costs and it doesn't add up .

While I don't want the company to sell any part of the business and personally want to keep upside to the mining business operation and also keep the custodian GK8 (not sold to cover operating costs), I also feel like the current team might not be well advised how to manage this company.

Article posted by Celsius a few days before withdrawal pause :



Celsius

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Damn the Torpedoes, Full Speed Ahead



Over the past several weeks, the entire crypto community has faced a challenging time. Behind the numbers of this sharp downturn are the stories of real people facing real hardship. Single moms, pilots, cleaners, small business owners, students, veterans and so many in between. Everywhere crypto is held, hard-working people around the globe are constantly checking their accounts. They're worried about the future. They're worried about their families.

We at Celsius are online 24-7. We're working around the clock to continue to serve our community. Celsius has one of the best risk management teams in the world. Our security team and infrastructure is second to none. We have made it through crypto downturns before (this is our fourth!). Celsius is prepared.

Statement from previous CEO, one day before withdrawal pause :

